

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

The proposed Kentucky Board of Education 2009 Legislative Agenda

Action Question:

- Which of the staff recommendations does the KBE wish to adopt for the 2009 legislative session?
- What additional issues would the KBE adopt for the 2009 legislative session?

History/Background:

Existing Policy. The General Assembly meets in January to begin its “short” 30-day session. The 30-day session was proposed as a time to adjust previous legislation and to reduce the need for specially called sessions in the interim. It was not intended to consider budgetary items, and such items require a supermajority for passage. For this reason, the list of proposed items listed on the attachment has been kept deliberately short, and few of the issues are new.

Impact on Getting to Proficiency:

One of the guiding principles in formulating the legislative proposals is the KBE’s goal of reaching proficiency by 2014.

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Deputy Commissioner

Commissioner of Education

Date:

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PROPOSED ISSUES
KENTUCKY BOARD OF EDUCATION
2009 LEGISLATIVE AGENDA

SCHOOL FACILITIES EVALUATION COMMITTEE RECOMMENDATIONS

The 2006 budget bill required the Kentucky Department of Education, in partnership with the School Facilities Construction Commission, to conduct a comprehensive evaluation of the processes for planning, funding and maintaining school facilities. Local superintendents, finance officers, facility managers and other local school personnel, worked on this effort. The group recommended a number of changes to state statutes, including the following:

Use of Restricted Funds Capital Outlay and FSPK

Allow Capital Outlay to be used for maintenance without forfeiting the district's participation in SFCC upon approval of the commissioner. Maintenance does not include property insurance.

Existing law does not include a definition of maintenance. Sound, intentional maintenance of buildings is one of the best ways to address equity and to preserve the financial commitment to the schools of Kentucky.

Allow rapid-growth districts to use restricted or special funds for operational purposes during the first biennium of a new school's operation.

One of the many challenges that a high growth district faces is the operational expenses of new schools. Allowing the use of restricted funds for this purpose would help bridge the gap from move-in until the funding catches up with the operation.

Modify KRS 157.420 to allow land for new schools or modifications to existing schools to be purchased with restricted cash for projects noted on the District Facilities Plan for use in the next eight years. Land would not be counted in the calculation of need.

The OEA report noted that, "School districts that have sufficient bonding potential to purchase land at the same time that construction is approved are permitted to pay for land with SFCC (School Facilities Construction Commission), building fund or capital outlay funds. However, most districts must purchase land in anticipation of school construction because they do not have sufficient bonding potential to acquire land and begin construction immediately. This puts districts with limited bonding potential at a disadvantage because they cannot use facility funds for land and must finance land with general fund dollars. In addition, this contributes to an inequitable treatment of districts." Forcing districts to bear this expense out of general fund dollars, even for a short time, creates an undue burden on the districts.

DROPOUT PREVENTION GRANTS

Amend KRS 158.146(4) to remove priority in the awarding of dropout prevention grants to districts with chronically high dropout rates, remove the requirement to direct 75% of available funds to elementary and middle school students and 25% to high

school students, and focus the grant program on supporting promising and proven practices that are systemic, scalable, and replicable, and aligned with the principles of secondary reform.

Dropout prevention needs to move forward in the context of persistence to graduation for all students and be more closely tied to the overall middle and high school reform agenda. KRS 158.146(4) requires that priority for grants be given to districts that average over a three-year period a dropout rate of 5% or more. When the statute was enacted, that criterion captured a large number of districts. Today, because of the progress that has been made, the number of eligible districts is much smaller. Because these districts must receive priority, some districts that would not otherwise be recommended for funding receive grants repeatedly.

BLUE RIBBON PANEL ON INTERVENTIONS IN LOW-PERFORMING SCHOOLS RECOMMENDATIONS

In January 2008 Commissioner Draud invited various educational stakeholder groups to convene in addressing one of the most critical issues facing Kentucky educators—how to maximize student achievement, particularly in low-performing schools. This panel met in a series of meetings from February through June and prepared their report of recommendations, some of which would require legislative action to implement and include:

Add chronic low student academic performance as a cause for removal of a superintendent or school board member (KRS 156.132).

Student learning is the core function of a school system. It should be a fundamental consideration in judging fitness for these critical roles in public school systems.

FUNDING

Fund Student Information System in second year of biennium--\$6,832,100.

The 2008-2010 budget funded the completion of the implementation of the Student Information System (SIS) in the first fiscal year of the biennium but not the operation of the system in the second year. The system is necessary for the information upon which decisions regarding funding, student populations, longitudinal reports, individual student growth, interventions and their effects, etc., are made as well as reports for a variety of local, state and federal needs. It is essential for timely transfer of student records between schools and districts, and for the similar demands of the Military Compact of SB 68.

Fund Read to Achieve and Math Achievement grants for the full biennium--\$11,918,500 (\$10,518,500 Read to Achieve; \$1,400,000 Math Achievement).

Much of the dollars in these two funds needed to complete contractual obligations to the school districts were redirected for other General Fund uses. This has necessitated a use of FY'09 funds to complete the FY'08 obligations, and will require FY'10 funds to complete the FY'09 obligations, leaving the FY'10 Read to Achieve program and the Math Achievement Fund exhausted by December 31, 2009.

ASSESSMENT AND ACCOUNTABILITY TASK FORCE RECOMMENDATIONS

This summer Commissioner Draud assembled a task force of representatives of diverse educational groups and legislators with the objective of recommending improvements to the assessment and accountability system toward 2014 with the constraint of keeping the trend line from 2008 to 2014 intact. The group began meeting in August, and concluded its work November 7. Of the several recommendations made by this group, the following item would need legislative action in order to pursue it:

Amend KRS 158.6453 to permit school level arts and humanities program evaluations to be used in addition to or in place of student assessment items in the assessment program.

The breadth of the arts and humanities disciplines makes assessment by a limited written instrument problematic for any given form of the test. Furthermore, it was the opinion of the Task Force that much of the value of arts and humanities education is realized through student participation in creative activities and performances instead of memorization of terminology for a written test. A pilot program conducted by the Department in 20 elementary schools led to better student exposure and experiential participation in arts programs and a broader faculty awareness of the arts as well. The pilot also enabled the development of a school program assessment instrument that could be used to assure that students are receiving high quality learning opportunities as well as participatory experiences in the arts (music, dance, drama/theatre, visual arts).

PRESCHOOL FUNDING PROCEDURES

In March Commissioner Draud requested that KDE form a group of stakeholders to provide recommendations about changing the preschool funding formula in a manner that does not promote over-identification of students with disabilities. Those stakeholders included superintendents, preschool coordinators, special education directors, KSBA representatives, Early Childhood Regional Training Center representatives, and KDE leadership and staff from the offices of Internal Administration and Support, Teaching and Learning, Exceptional Children Services and bureaus of Learning Results Services and Operations and Support Services. The portion of their recommendation that would require legislative action is as follows:

Amend KRS 157.226 (3) to fund a district's next school year's preschool program on the basis of an average of the December 1 and the March 1 preschool membership with no further adjustments to the funding level.

The current procedure is to fund on the basis of the district's December 1 membership adjusted by any additional membership of children who turn three afterwards. If the next year's membership increases by more than 5%, a supplement is added. If the next year's membership decreases by more than 5%, the funding is reduced in the subsequent year. The proposal would permit KDE to propose per-child rates based on more current information, as well as eliminate the necessity of making negative adjustments to district awards.

POST 2009 ITEMS

Taxing Authority

Amend KRS 157.440 (Facilities Support Program of Kentucky) to increase the five-cent equivalent tax rate for facilities to ten cents. All districts should be required to levy ten cents. Those districts already levying ten cents or more are authorized to levy an additional five cents, but not required. All facility funding (except the growth levy) should become part of the FSPK program.

Local districts need additional funds to meet the facilities needs of Kentucky's school districts. Increasing the required tax rate for participation in the FSPK from five cents to 10 cents ensures continuation of an equitable program, with the addition of both state and local funding. This will provide an estimated \$175 million available for bonding for school facilities from state and local sources. (From 2008 agenda)

COMPULSORY SCHOOL ATTENDANCE

Raise the compulsory school age first to 17 and to 18 in the following year.

As the economy demands a higher-skilled labor force, research shows that dropouts have fewer chances for success later in life. According to 2002 U.S. Census Bureau information, adults who have not completed high school earn an average income of \$18,900 a year, compared to \$25,900 for adults with a high school diploma or GED. Dropouts are more likely to receive public welfare, have health problems and be incarcerated. In 2006, 4,984 students dropped out of grades 9-12. The compulsory school age will need to be raised first to 17 and 18 the following year. (From 2008 agenda)

PRESCHOOL LEARNING

Expand pre-K learning opportunities.

There is a growing body of research showing that focusing educational efforts on the early years yields economic and societal benefits that can rival more traditional economic development projects. Long-term studies reveal that adults who participated in quality early education programs as children, compared with those who did not, have higher lifetime earnings, higher rates of home ownership, lower arrest rates and less need for social services. The Kentucky Board of Education encourages the General Assembly to build on the traditions established in the 1990 Reform Act and later Early Childhood innovations to assure that all of Kentucky's youngest citizens have access to quality preschool opportunities in their communities.